

EIGHTH REGULAR SESSION

August 12, 2013

Johnstown, NY

Roll Call- Quorum Present

Supervisors: Argotsinger, Born, Callery, Capek, DiGiacomo, Fagan, Gendron, Handy, Howard, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottalagano, Ottuso, Ponticello, Potter, Waldron
TOTAL: Present: 19 Absent: 1 (Supervisor Bradt)

Chairman Waldron called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance, Chairman Waldron asked if there was anyone from the public who wished to address the Board. There being no one, the following Communications were reviewed.

COMMUNICATIONS

1. Letter from Brian M. Kolb, Assembly Minority Leader to Jon R. Stead, Clerk of the Board, dated June 28, 2013
Subj: Acknowledging receipt of Resolution No. 188 (Resolution urging Governor Cuomo and State Legislators to Exempt Firearm Permit Records from Foil Disclosure)
2. Letter from Darrel J. Aubertine, Commissioner of Agriculture and Markets of the State of New York, to Jon R. Stead, Clerk of the Board, dated July 16, 2013
Subj: Acknowledging receipt of Resolution 179 (Resolution Amending Boundaries of Fulton County Agricultural District No. 1 to Include Certain Parcels in the Towns of Perth, Mayfield and Oppenheim) and certifying that the inclusion of predominantly viable agricultural land as proposed is feasible and shall serve the public interest by assisting in maintaining a viable agricultural industry within the District

LATE COMMUNICATIONS

1. Communication from Sullivan County Legislature
Subj: Resolution to Support Assembly Bill A07588 Known as the Rural Broadband Deployment Act which Promotes Rural Broadband Deployment by providing Residents and Small Businesses with Tax Credits for Broadband Deployment

UPDATES FROM STANDING COMMITTEES

Finance: Supervisor Callery advised that a meeting was held this morning to review agenda items regarding Resolutions 264 and 265 pertaining to property and liability insurance for 2013-2014 for all County Departments and the 2014 Workers Compensation Plan apportionment.

REPORTS OF SPECIAL COMMITTEES

Adirondack Government: Supervisor Kemper advised that she will leave a copy of a report in all Supervisors' mailboxes for their review regarding the Adirondack Park Local Government Review Board meeting held on July 31, 2013.

Soil and Water Conservation District: Supervisor Ottalagano advised that a meeting was held on July 16. He reviewed the ongoing projects being performed by the District. He also noted that some new projects were being reviewed for future consideration.

CHAIRMAN'S REPORT

Chairman Waldron advised that a thank you letter was received from Helaina Stergas who was one of the 2013 OTB Scholarship winners.

RESOLUTIONS

No. 239 (Resolution Authorizing a Request for Proposal from Energy Service Companies to Implement Energy Efficiency Project for County Facilities): Supervisor Howard stated that this is a \$1.55 million project in the proposed Capital Plan but he doesn't completely understand how it will work. He stated that it was his understanding that any savings incurred by the County would be paid to the contractor.

Supervisor Callery stated that no one can provide an exact number regarding the savings from the last lighting upgrade project that was done. He stated that he cannot support this.

Supervisor Born stated that when the lighting upgrade project was done, the company performing the work did not estimate correctly what would be saved. This time around, this will have to be monitored more closely, so there is a better handle on how much the County will save. She stated that the concept is great if a company can show the County in black and white what it is going to save.

Supervisor Johnson stated he was not aware that the company performing the work would receive the County's savings.

Mr. Stead stated that, right now, this project is a conceptual project in terms of dollar amounts. It is unknown how much of the savings would be paid to the contractor in fees. That will be projected in the proposals submitted by each contractor.

Supervisor Argotsinger stated that the bottom line is saving energy. This RFP will get various companies in to look at what could be done to save on energy costs. He stated if the County follows through with the project, the company will monitor with individual meters so it knows exactly what the savings is, if any.

Mr. Stead stated that he is always concerned about borrowing money long term for something that may, or may not, provide any savings. That is what is being proposed.

Mr. Stead further advised that he believes Superintendent of Highways and Facilities Mark Yost stated that the Board can pick and choose components of the proposals that will produce the greatest return in cost/benefit. It does not have to do the entire list of projects that will be proposed.

Supervisor Fagan stated that moving forward with a RFP does not commit the County to the project; however, it will give the Board the information needed to determine if the project is needed.

Supervisor Gendron stated this is the first step to get information needed and to determine if a project is necessary or will provide a savings for the County.

(Supervisor Potter left the meeting at 1:25 p.m.)

No. 244 (Resolution Authorizing Submission of a NYS Consolidated Funding Application to Repair the Wastewater Pump Station and other Vandalism Damage at the Tryon Technology Park and Incubator Center): Supervisor Callery stated this grant would only cover about 50 percent of the \$96,000.00 needed for repairs. He asked where the additional funding would come from. Mr. Stead stated that the Board would have to determine where it would come from or the Fulton County Industrial Development Agency (IDA) may possibly cover the difference. Supervisor Callery stated he is not in favor of this because the County does not own the property yet.

Mr. Stead stated that this is only applying for the grant. Supervisor Lauria stated that hopefully by the time this grant is approved, the County will own the property.

Supervisor Johnson asked if there was any structural damage to the property. Mr. Stead stated the County/IDA is going to have to repair a good share of the damage, particularly the damage to the electrical system. He stated that the estimate for the actual repair work to the electrical system is about half the cost. The other \$48,000.00 is for fencing to secure the pump station which has to be put back in working order.

Supervisor Johnson asked if the State is selling the property to the IDA. Mr. Stead stated that the State is transferring title to the IDA at no cost.

Supervisor Born stated that the County does not have a choice but to eventually make the repairs. Without sewage, plumbing or electricity, the property cannot be marketed. If a grant can be received to cover half of the repairs, that is better than paying the full cost.

Chairman Waldron stated that this resolution is only approving the application for a grant. By the time the grant comes through, the property will be transferred to the IDA.

Supervisor Kemper stated that once ownership is transferred, is it the intent to move forward with the repairs whether the grant is received or not. Chairman Waldron stated the repairs will be done as needed. Mr. Stead stated that most likely the repairs will be done after the first of the year.

Chairman Waldron opened the public hearing to receive comments regarding proposed Local Law “C” of 2013 amending Local Law 2 of 1956, entitled “A Local Law Enumerating Rules and Regulations for the Administration of the Fulton County Self-Insurance Plan, as amended, to Revise the Payment Method for Participants” at 1:31 p.m. Chairman Waldron asked if there was anyone present to speak. There being no one, Chairman Waldron called for a five minute recess at 1:40 p.m. to allow Dr. Dustin Swanger, President of FMCC, to prepare for his presentation regarding the FMCC Facilities Master Plan.

Chairman Waldron called the meeting back to order at 1:45 p.m.

Dr. Swanger provided a MS Powerpoint presentation regarding the proposed FMCC Facilities Master Plan. He reviewed projects completed over the past few years. He also reviewed the Master Plan proposed projects for the future. He advised that science labs, bathrooms, technology upgrades, PE air conditioning, PE mechanical upgrades and new locker rooms are proposed for 2014-2018. The major projects being proposed are updates to lecture halls, site work such as sidewalks, signage, and lighting, renovations to the College store, a master key system and a welcome center. He advised that the total projected cost for these projects is approximately \$13 million.

Dr. Swanger distributed a summary of the Master Plan presentation to all Supervisors for further review. Supervisor Handy asked if any of this work can be done in-house or will it be contracted out. He stated that in-house staff will complete some of the work, but a majority of it will be contracted out.

Mr. Stead advised that the Capital Projects Committee has the first stage of the Master Plan under its review. He stated that the Board of Supervisors will be hearing more about this over the next few months.

Supervisor DiGiacomo asked Dr. Swanger if he was confident that the state match funding will be available. Dr. Swanger replied that it may get tough for awhile, but will not be impossible. Supervisor Ottuso asked how much revenue is generated by the College. Dr. Swanger stated that the operational budget is around \$19 million and that includes tuition, grants, aid, etc.

Chairman Waldron asked if there was anyone present to make comments regarding the Public Hearing to receive comments regarding proposed Local Law “C” of 2013 amending Local Law 2 of 1956, entitled “A Local Law Enumerating Rules and Regulations for the Administration of the Fulton County Self-Insurance Plan, as amended, to Revise the Payment Method for Participants”. There being no one to speak, Chairman Waldron closed the Public Hearing at 2:11 p.m.

No. 255 (Resolution Authorizing Advertisement for Municipal Bids for Surplus Personal Water Crafts and Snowmobiles (Sheriff)): Supervisor Ottuso advised that he contacted the Sheriff's Department regarding providing the water crafts to the local fire department in his town. He then asked Mr. Stead what the minimum bid would be on these items. Mr. Stead stated that he had not prepared the specification yet but, thought \$1,500.00 per unit would be the minimum bid. Supervisor Ottuso questioned whether the minimum bid would be worth the hassle of bidding rather than giving it to a local fire department that has a use for it. Mr. Stead said that in the past, offering for bid by all interested area municipalities was in the interest of fairness.

(Supervisor Potter returned to the meeting at 2:17 p.m.)

A motion was offered by Supervisor Fagan, seconded by Supervisor Callery and unanimously carried, to waive the Rules of Order to take action on Late Resolutions 264-255

There being no further business, the meeting adjourned at 2:24 p.m., upon a motion by Supervisor Callery, seconded by Supervisor Fagan and unanimously carried.

Certified by:

Jon R. Stead, Administrative Officer/ Date
Clerk of the Board

Resolution No. 234

Supervisors ARGOTSINGER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CHAIRMAN OF THE BOARD TO EXECUTE GRANT
AGREEMENTS WITH THE FEDERAL AVIATION ADMINISTRATION AND NEW YORK
STATE DEPARTMENT OF TRANSPORTATION FOR THE AUTOMATED WEATHER
OBSERVATION STATION (AWOS) PROJECT AT THE FULTON COUNTY AIRPORT
(2013 CAPITAL PLAN)

WHEREAS, Resolution 209 of 2013 authorized the Submission of Federal Aviation Administration Grant Application for the Construction of an Automated Weather Observation Station (AWOS) at the Fulton County Airport; and

WHEREAS, the Board of Supervisors has awarded bids for said AWOS Project and must submit a final construction grant application to the Federal Aviation Administration; now, therefore be it

RESOLVED, That upon the recommendation of the Committees on Buildings and Grounds/Highway and Finance, the Chairman of the Board be and hereby is authorized to submit a final construction grant application to the Federal Aviation Administration for an AWOS Project as follows:

FAA Grant	(90%)	\$191,440.00
State Share	(5%)	10,636.00
County Share	(5%)	<u>10,636.00</u>
		\$212,712.00

and, be it further,

RESOLVED, That the Chairman of the Board be and hereby is authorized to execute appropriate grant-related documents with the Federal Aviation Administration and New York State Department of Transportation; and, be it further

RESOLVED, That the Planning Director does each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Federal Aviation Administration, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 235

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BID TO O'CONNELL ELECTRIC FOR AUTOMATED WEATHER OBSERVATION STATION (AWOS) PROJECT AT THE FULTON COUNTY AIRPORT (2013 CAPITAL PLAN)

WHEREAS, the 2013 Capital Plan includes an Automated Weather Observation Station (AWOS) Project at the Fulton County Airport, and

WHEREAS, Resolution 433 of 2012 appropriated \$120,000.00 to H-085-5615.800 Airport-AWOS for said project; and

WHEREAS, Resolution 210 of 2013 authorized advertisement for bids for construction of said AWOS Project, and seven (7) bids were received; and

WHEREAS, Planning Director, Purchasing Agent and Committee on Buildings and Grounds/Highway recommend that a contract be awarded to O'Connell Electric of Victor, NY for the AWOS Project, at a cost not to exceed \$190,420.00; now, therefore be it

RESOLVED, That the net bid in the amount of \$190,420.00, as submitted by O'Connell Electric of Victor, NY, for the AWOS Project, be and hereby is awarded; they being the lowest responsible bidder in accordance with project specifications; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-795-9950.900 Transfer to Capital Plan Projects
To: H-085-5615.800 Airport-AWOS
Sum: \$120,754.00

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, O'Connell Electric, All Bidders, Budget Director/County Auditor, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 236

Supervisors ARGOTSINGER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT WITH MCFARLAND JOHNSON FOR CONSTRUCTION ADMINISTRATION OF THE AUTOMATED WEATHER OBSERVATION STATION PROJECT (2013 CAPITAL PLAN)

WHEREAS, the 2013 Capital Plan includes funding for an Automated Weather Observation Station Project; and

WHEREAS, Resolution 266 of 2012 authorized the Chairman of the Board to sign a contract with McFarland Johnson to provide airport engineering design services for the Automated Weather Observation Station Project; and

WHEREAS, McFarland Johnson has now submitted a proposal for Construction Administration Services to the County for the AWOS Project; and

WHEREAS, the Planning Director and the Committees on Economic Development & Environment and Finance recommend contracting with McFarland Johnson for construction administration services as part of the Automated Weather Observation Station Project as follows:

FAA Grant	(90%)	\$18,261.90
State Share	(5%)	1,014.55
County Share	(5%)	<u>1,014.55</u>
		\$20,291.00

now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between Fulton County and McFarland Johnson of, Binghamton, New York, to provide construction administration services for the Automated Weather Observation Station Project, in an amount not to exceed \$20,291.00; and, be it further

RESOLVED, That said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, That the awarding of this contract by the County shall be contingent upon the awarding of a Federal Aviation Administration/New York State Department of Transportation for a grant to pay for 95 percent of the cost of this Agreement; and, be it further

Resolution No. 236 (continued)

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, McFarland Johnson, Budget Director/County Auditor, and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 237

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CHAIRMAN OF THE BOARD TO REQUEST THAT
NYSDOT ADMINISTER RIGHT-OF-WAY ACQUISITION FOR THE
FJ&G RAIL TRAIL PROJECT**

WHEREAS, Phase III of the FJ&G Rail Trail Project involves the acquisition of right-of-ways along the former FJ&G Railroad line between Dennie's Crossing and County Road 155 in the Town of Mayfield; and

WHEREAS, New York State Department of Transportation (NYSDOT) has offered to acquire said right-of-ways pertaining to the FJ&G Rail Trail, including necessary appraisals, title and legal work, on behalf of the County; and

WHEREAS, NYSDOT would transfer ownership of the right-of-ways to Fulton County at the conclusion of the acquisition process; now, therefore be it

RESOLVED, that the Chairman of the Board is hereby authorized to submit a letter to NYSDOT requesting that it administer right-of-way acquisitions on behalf of the County for the FJ&G Rail Trail Project Phase III; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYSDOT, Budget Officer/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 238

Supervisors ARGOTSINGER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AMENDING THE 2013 CAPITAL PLAN TO REVISE CERTAIN ROAD CONSTRUCTION PROJECTS (HIGHWAYS AND FACILITIES DEPARTMENT)

WHEREAS Resolution 130 of 2013 Accepted Additional CHIPS Funding and Amended the 2013 Capital Plan to Revise Certain Road Construction Projects; and

WHEREAS, Resolution 130 also decreased the State Aid-Consolidated Highway Aid revenue account by \$36,250.00; and

WHEREAS, the Superintendent of Highways and Facilities recommends increasing the County Road 112 Replacement Project to reflect the actual cost to perform planned work from \$576,361.00 to \$612,611.00; now therefore be it

RESOLVED, That the 2013 Capital Plan be and hereby is amended to increase the County Road 112 project in the amount of \$36,250.00; and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended as follows:

Revenue Account:

Increase D-083-3501.000 State Aid-Consolidated Highway Aid-CHIPS \$36,250.00

Appropriation Account:

Increase D-825-5112.419 Road Construction-Co Road #112 \$36,250.00

and, be it further

RESOLVED, That the County Treasurer and Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 239

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A REQUEST FOR PROPOSALS FROM ENERGY SERVICE COMPANIES TO IMPLEMENT ENERGY EFFICIENCY PROJECT FOR COUNTY FACILITIES

WHEREAS, the Superintendent of Highways and Facilities has proposed a County-Wide Energy Efficiency Capital Project in 2014; and

WHEREAS, if ultimately approved by the Board of Supervisors, said project would involve the installation, maintenance and long term debt financing of energy conservation systems within County office buildings and other facilities, during 2014 and beyond; and

WHEREAS, the project goal will be to install energy reducing systems in County facilities on a performance-contracting basis, including heating, cooling, ventilation, lights, water heating and other energy uses; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to solicit proposals for energy service companies to implement an Energy Efficiency Project for Fulton County Facilities (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 203, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 9, 2013, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all proposals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Planning Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 513 (18) Nays: 21 (1) (Supervisor Callery) Absent: 17 (1) (Supervisor Bradt)

Resolution No. 240

Supervisors ARGOTSINGER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BID TO TITAN ROOFING FOR ROOF REPLACEMENT PROJECT AT COUNTY SERVICES COMPLEX II (2013 CAPITAL PLAN)

WHEREAS, the 2013 Capital Plan includes a Roof Replacement Project at Fulton County Services Complex II; and

WHEREAS, Resolution No. 207 of 2013 authorized advertisement for bids for said roof replacement project, and four (4) bids were received; and

WHEREAS, the Superintendent of Highways and Facilities, Purchasing Agent and the Committees on Buildings and Grounds/Highway and Finance recommend that a contract be awarded to Titan Roofing of Chicopee, MA for the Roof Replacement Project, at a cost not to exceed \$79,900.00; and

WHEREAS, the Superintendent of Highways and Facilities has requested an appropriation of \$1,000.00 for project miscellaneous/contingency; now, therefore be it

RESOLVED, That the net bid in the amount of \$79,900.00, as submitted by Titan Roofing of Chicopee, MA, for the Roof Replacement Project, be and hereby is awarded; they being the lowest responsible bidder in accordance with project specifications; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From: A-795-9950.900 Transfer to Capital Plan Projects	\$63,600.00
A-285-1990.400 Contingency Fund	17,300.00
To: A-245-1630.201 Service Complex II Capital	\$80,900.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Titan Roofing, All Bidders, Budget Director/County Auditor, Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 241

Supervisors ARGOTSINGER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A REQUEST FOR EXPRESSIONS OF INTEREST FOR ENGINEERING SERVICES FOR THE THRUWAY CONNECTOR STUDY (2013 CAPITAL PLAN)

WHEREAS, Resolution 301 of 2012 accepted a Transportation, Community and System Preservation (TCSP) grant from the Federal Highway Administration for a Thruway Connector Study as a joint project with Montgomery County; and

WHEREAS, the 2013 Capital Plan contains a Thruway Connector Study project; and

WHEREAS, in accordance with the grant agreement, 80 percent of the project cost will be funded by the Federal Highway Administration through New York State Department of Transportation (NYSDOT); and

WHEREAS, in accordance with Locally Administered Federal Procedures the County must retain an engineering firm to conduct the study; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to issue a Request for Expression of Interest for Engineering Services for the Thruway Connector Study (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 203, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such Expressions of Interest must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, September 18, 2013, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all expressions of interest; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Planning Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 479 (17) Nays: 27 (1) (Supervisor Ottalagano) Absent: 45 (2) (Supervisors Bradt and Potter)

Resolution No. 242

Supervisors ARGOTSINGER AND CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH MONTGOMERY
COUNTY AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE
THRUWAY CONNECTOR STUDY, FULTON COUNTY, P.I.N. 2650.36
(2013 CAPITAL PLAN)**

WHEREAS, Resolution No. 461 of 2011 authorized a grant application to the Federal Highway Administration for a Transportation, Community and System Preservation (TCSP) Program grant to conduct a Thruway Connector Design Study; and

WHEREAS, said TCSP grant application was a joint application with co-sponsor Montgomery County; and

WHEREAS, Fulton County now desires to enter into an agreement with the State of New York for said Thruway Connector Study, PIN 2650.36, (New York State Comptroller No. D03419); and

WHEREAS, Fulton County is responsible for up to 100% of the non-federal share of the project; and

WHEREAS, pursuant to Title 23 US Code, as amended, the costs of the Project are paid at the ratio of 80% federal funds and 20% non-federal funds (Fulton County cost being up to \$100,000.00) ; and, now therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign authorizing agreements with Montgomery County and New York State Department of Transportation for the Thruway Connector Study, Fulton County P.I.N. 2650.36; and, be it further

RESOLVED, That this resolution is contingent upon passage of a similar resolution by the Montgomery County Board of Supervisors; and, be it further

RESOLVED, That the Superintendent of Highways and Facilities do each and every other thing necessary to further the purport of this Resolution; and, be it further

Resolution No. 242 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Montgomery County Board of Supervisors, New York State Department of Transportation, IDA, Fulton County Center for Regional Growth, Fulton Montgomery Chamber of Commerce, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 479 (17) Nays: 27 (1) (Supervisor Ottalagano) Absent: 45 (2) (Supervisors Bradt and Potter)

Resolution No. 243

Supervisor GENDRON offered the following Resolution and moved its adoption:

RESOLUTION RECOGNIZING FAGE USA DAIRY FOR ITS COMMITMENT TO GROW IN FULTON COUNTY

WHEREAS, FAGE USA Dairy constructed its original Greek yogurt production facility in the Johnstown Industrial Park in 2008; and

WHEREAS, FAGE USA Dairy has been a great local employer with products that have gained national acclaim and popularity; and

WHEREAS, FAGE has the 3rd largest market share for Greek-style yogurt (13.9%) in the United States; and

WHEREAS, FAGE has demonstrated a huge commitment to the Fulton County region and is currently involved in a \$100 million dollar expansion; and

WHEREAS, FAGE's current expansion project was recently recognized by the Capital District Business Review as the 3rd most important project "transforming" the Capital District Region; now, therefore be it

RESOLVED, That the Board of Supervisors hereby recognizes FAGE USA Dairy as a growth industry and a company that has made a strong commitment to the area community; and, be it further

RESOLVED, That the Board hereby expresses its appreciation to FAGE owners, management and employees for their efforts in making FAGE an industry leader and an important member of the local business community; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, FAGE USA Dairy, Fulton County Center for Regional Growth, Fulton Montgomery Chamber of Commerce, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 244

Supervisor GENDRON offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SUBMISSION OF A NYS CONSOLIDATED FUNDING
APPLICATION TO REPAIR THE WASTEWATER PUMP STATION AND OTHER
VANDALISM DAMAGE AT THE TRYON TECHNOLOGY PARK AND
INCUBATOR CENTER**

WHEREAS, the County of Fulton and Fulton County Industrial Development Agency are involved in a project to assume ownership at the former NYS Tryon Detention Facility in order to redevelop it for business development promotion in the community; and

WHEREAS, vandalism damage was discovered at the Tryon facility in July 2013; and

WHEREAS, damage must be repaired to the electrical wiring and equipment at the wastewater pump station to restore it to operating capability in the future; and

WHEREAS, C.T. Male Engineers have estimated electrical repairs and additional security fencing to cost approximately \$96,000.00; and

WHEREAS, NYS Empire State Development through the Mohawk Valley Regional Economic Development Council, provides grant funding for infrastructure work through a Consolidated Funding Application (CFA) that would fund up to 50 percent of the cost of repairs; now, therefore be it

RESOLVED, That upon the recommendation of the Planning Director and Committee on Buildings and Grounds/Highway, the Chairman of the Board be and hereby is authorized to submit a Consolidated Funding Application to NYS Empire State Development in the amount of \$48,000.00 for repairs to the Tryon Technology Park and Incubator Center; and, be it further

RESOLVED, That the Planning Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYS Empire State Development, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 485 (17) Nays: 21 (1) (Supervisor Callery) Absent: 45 (2) (Supervisors Bradt and Potter)

Resolution No. 245

Supervisors GENDRON AND CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AMENDING THE TIPPING FEE SCHEDULE TO ESTABLISH AN
“OUT OF COUNTY-LARGE LOAD” CATEGORY (SOLID WASTE DEPARTMENT)**

WHEREAS, Chapter 260 of the Code of Fulton County outlines the Board of Supervisors’ authority to set tipping fees and other related fees of the Fulton County Department of Solid Waste; and

WHEREAS, said fees are utilized to offset annual operating costs of the Department of Solid Waste to provided needed public services to the residents of Fulton County; and

WHEREAS, the Solid Waste Director recommends pursuing additional dry waste to balance with sludge to promote optimal landfill operating requirements; and

WHEREAS, to solicit additional dry waste, the Director of Solid Waste recommends creation of a new waste category of “Out of County-Large Load” to establish a rate for single out of county loads that exceed 25 tons; now, therefore be it

RESOLVED, That effective immediately, the 2013 Tipping Fee Schedule for the Department of Solid Waste be and hereby is amended to reflect the following additional category:

<u>Category</u>	<u>Rate per Ton (Out-of-County)</u>
Out of County-Large Load	\$40.00 (25 tons or greater)

and, be it further

RESOLVED, That all other rates in said Tipping Fee Schedule shall remain in full force and effect; and, be it further

RESOLVED, That the Solid Waste Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 246

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

RESOLUTION AMENDING FULTON COUNTY EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL CONSTITUTION AND BYLAWS

RESOLVED, That upon the recommendation of the Emergency Medical Services Advisory Council, the Fulton County Emergency Medical Services Bylaws be and hereby is amended, as follows:

1. ARTICLE II: MEMBERSHIP

Under paragraph A.:

DELETE the sentence “Active membership shall consist of no more than seventeen members as listed.”

And **REPLACE** with “Active membership shall consist of not less than five (5) and no more than seventeen (17) members as listed.”

Under paragraph E.:

ADD the following paragraph after existing language:

“The following organizations are important cooperating resources to the Council and shall be considered non-voting members:

- Greater Amsterdam Volunteer Ambulance Corps
- St. Johnsville Area Volunteer Ambulance Corps
- LifeNet of New York, Glen, NY
- Mercy Flight, Buffalo, NY

2. ARTICLE VI: REGIONAL COUNCIL MEMBERSHIP

Under paragraph A.:

DELETE existing paragraph language in its entirety and **REPLACE** with “Four (4) members shall be elected for the Regional EMS Council to begin their duties in the month of September. One (1) of the four (4) members so elected shall be a representative from Nathan Littauer Hospital.”

and, be it further

RESOLVED, That the Constitution and Bylaws, as hereby amended, be placed on file in the Public Health Department; and, be it further

Resolution No. 246 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, EMS Council, Fulton County Code book and Administrative Officer/Clerk of the Board .

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 247

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING MEMBERS TO THE FULTON COUNTY EMERGENCY
MEDICAL SERVICES ADVISORY COUNCIL**

RESOLVED, That the following persons be appointed as members to the Fulton County Emergency Medical Services Council for terms as hereinafter specified:

January 1, 2011 through December 31, 2013:

Mark Hime	F.C. Ambulance Service	Appointed
(Jill Dunham--Alternate)		Appointed

and, be it further

RESOLVED, That Board members are not required to complete the Fulton County Board of Ethics' Financial Disclosure Statement but are directed to sign the Fulton County Oath Book located in the Fulton County Clerk's Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, EMS Council, County Clerk and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 248

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF CERTAIN EQUIPMENT FOR USE IN THE
PUBLIC HEALTH DEPARTMENT (100% EARLY INTERVENTION GRANT FUNDS)**

WHEREAS, the Public Health Director requests that Early Intervention Grant Funds be used to purchase a high grade household refrigerator and freezer for storage of vaccines and three (3) room partitions to reduce sound transmission in the office; now, therefore be it

RESOLVED, That the Public Health Director be and hereby is authorized to purchase the following equipment for use in the Public Health Department:

(1) Chest Freezer	\$ 250.00
(1) Refrigerator with Glass Door	1,750.00
(3) Room Partitions	<u>1,000.00</u>
	\$3,000.00

and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-405-4059.410 Public Health-EI (0-3) Evaluations
To: A-405-4010.200 Public Health-Equipment
Sum: \$3,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 249

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION ACCEPTING 2012 ANNUAL REPORT AND 2012 PATIENT EVALUATION
OF SERVICES FOR THE PUBLIC HEALTH DEPARTMENT**

WHEREAS, the NYS Department of Health requires the County Public Health Department to publish an Annual Report and conduct a Patient Evaluation of Services on an annual basis; now, therefore be it

RESOLVED, That the 2012 Annual Report and 2012 Patient Evaluation of Services for the Fulton County Public Health Department be and hereby is accepted, as submitted by the Public Health Director and placed on file in the Public Health Department; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, NYS Department of Health and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 250

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACTS BETWEEN THE YOUTH BUREAU AND
INDEPENDENT CONTRACTORS FOR 2013 YOUTH PROGRAMS**

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign contracts with independent contractors for the following programs in 2013:

<u>Vendor</u>	<u>Program</u>	<u>Amount</u>
<i>YDPP (100% funded)</i>		
Johnstown Public Library	Summer Reading	\$7,000.00
<i>SDPP (100% funded)</i>		
Citizens in Community Service	Community Restitution	\$5,900.00
Citizens in Community Service	Youth	5,400.00
Family Counseling Center	Counseling Services	5,500.00

and, be it further

RESOLVED, That said contracts are subject to the approval of the County Attorney; and, be it further

RESOLVED, That said contracts shall provide, among other matters, that the right and privilege shall be reserved to the Fulton County Board of Supervisors to cancel and rescind all or any part of such contracts should any program or project offered or sponsored by said contractors not meet with the approval of the Board of Supervisors; and, be it further

RESOLVED, That the proper Fulton County official shall apply for and collect the appropriate State Aid from the appropriate New York State agency; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, OFA/Youth Bureau Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 251

Supervisors KEMPER, HOWARD AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION CREATING ACCOUNT CLERK/LEGAL TYPIST POSITION AND ABOLISHING LEGAL TYPIST POSITION IN THE PROBATION DEPARTMENT

WHEREAS, the Probation Director has evaluated the service needs of the Probation Department and recommends changing a vacant Legal Typist position to an Account Clerk/Legal Typist position; and

WHEREAS, the Legal Typist position is currently encumbered by an employee who was promoted provisionally; now, therefore be it

RESOLVED, That effective immediately, there be and hereby is created one (1) Account Clerk/Legal Typist position (Union Job Group A-3; 2013 start rate: \$12.46 per hour); funding for said position to be provided from with Probation Department P/R account; and, be it further

RESOLVED, That the vacant Legal Typist position remain in the Budget at an appropriation of \$1.00 until such time as a successful probationary period of the promoted Account Clerk/Legal Typist is completed, at which time the Legal Typist position shall be abolished by the Personnel Director; and, be it further

RESOLVED, That the Probation Director and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Probation Director, Personnel Director, CSEA Local 818, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 252

Supervisor KEMPER offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BIDS FOR FOOD STUFFS AND OTHER SUPPLIES FOR USE
IN THE FULTON COUNTY CORRECTIONAL FACILITY**

RESOLVED, That bids, as submitted and placed on file in the Office of the Purchasing Agent, for the purchase of foodstuffs and other supplies for use by the Fulton County Correctional Facility, effective September 1, 2013 through December 31, 2013, be and hereby are awarded to vendors as follows:

<u>Vendor</u>	<u>Items</u>	<u>Total Bid Estimate</u>
Sysco Foods	Frozen Foods	\$23,439.73
Halfmoon, NY	Refrigerated Foods/Dry Goods	25,690.01
LePage Bakeries	Bread and Rolls	\$ 4,687.80
Auburn, ME		

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Correctional Facility, Sheriff, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 253

Supervisors KEMPER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS FOR INMATE HEALTH CARE SERVICES AT THE FULTON COUNTY CORRECTIONAL FACILITY

WHEREAS, medical care at the Fulton County Correctional Facility must meet stringent standards set by the National Commission on Correctional Health Care and State Commission of Correction; and

WHEREAS, the Sheriff has reviewed the medical needs at the Correctional Facility and recommends seeking proposals from qualified health care firms or professionals to provide physician and related physician consulting services for said Facility; and

WHEREAS, the Committees on Public Safety and Finance have reviewed the Sheriff's recommendation and concur with pursuing contracted professional physician service options; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to solicit proposals for physician and related medical services at the Fulton County Correctional Facility (and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 203, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such proposals must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Building, Johnstown, NY 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, September 18, 2013, at which time and place they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all proposals; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Correctional Facility, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 254

Supervisors KEMPER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT EXTENSION WITH KINNEY DRUGS FOR PHARMACY SERVICES IN THE CORRECTIONAL FACILITY (2014)

WHEREAS, Resolution 408 of 2012 authorized a one-year extension of a contract with Kinney Drugs for Pharmacy Services in the Correctional Facility, effective December 1, 2012 through November 30, 2013; and

WHEREAS, the contract allows for a one year renewal for two additional years under the same terms and conditions; and

WHEREAS, the Sheriff recommends extending the contract with Kinney Drugs under the same terms and conditions as being in the best interest of the County; now, therefore be it

RESOLVED, That upon the recommendation of the Sheriff and Committees on Public Safety and Finance, the Chairman of the Board be and hereby is authorized to sign a contract with Kinney Drugs, of Gouverneur, NY, for pharmacy services in the Correctional Facility, effective December 1, 2013 through December 31, 2014, at the NY SOGS Contract (PC64630) pricing as follows:

63.5% of the Average Wholesale Price for Brand Names
59% of the Average Wholesale Price for Generic products

said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, That said cost be a charge against A-345-3150.455 Jail-Pharmacy Supplies; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Kinney Drugs, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 255

Supervisors KEMPER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ADVERTISEMENT FOR MUNICIPAL BIDS FOR SURPLUS PERSONAL WATER CRAFTS AND SNOWMOBILES (SHERIFF)

WHEREAS, the Sheriff recommends disposal of certain surplus equipment that the Department has no further use for; and

WHEREAS, the Committees on Public Safety and Finance recommend offering said surplus equipment for sale to local municipalities and local fire departments through a bidding process; now, therefore be it

RESOLVED, That upon the recommendation of the Sheriff and Committees on Public Safety and Finance, the Purchasing Agent be and hereby is authorized and directed to advertise for sealed bids from Fulton County municipalities for the sale of surplus equipment from the Sheriff's Department as follows:

- Two (2) 2001 GTX Bombardier Seadoo Jet Skis with 2001 Loadrite Jet Ski Trailer
- Two (2) 1998 500CC Polaris Snowmobiles with 1998 Karavan Ultra Snowmobile Trailer

(and according to further specifications which may be obtained at the Office of the Purchasing Agent, Room 203, County Office Building, Johnstown, NY 12095, during usual business hours); and, be it further

RESOLVED, That said bids must be addressed to Jon R. Stead, Purchasing Agent, Room 203, County Office Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, October 16, 2013, at which time they will be publicly opened and read; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 256

Supervisors KEMPER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF GPS CAMERA EQUIPMENT WITH 2012 HOMELAND SECURITY GRANT FUNDS (CIVIL DEFENSE/FIRE COORDINATOR)

WHEREAS, Resolution 188 of 2012 accepted a 2012 Homeland Security Program grant, in a total amount of \$54,000.00 for the Civil Defense/Fire Coordinator Office; and

WHEREAS, the Civil Defense/Fire Coordinator requests that said remaining funds be used to purchase GPS camera equipment and software for first responders; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase certain equipment with 2012 Homeland Security Grant funds, in a not-to-exceed amount as follows:

(2) Two GPS Systems with Cameras	\$ 860.00
(1) Topo Terrain Navigator Software	<u>279.00</u>
	\$1,139.00

and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.001 Civil Def-SHSP	\$1,139.00
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Appropriation Account:

Increase A-385-3645.201 Civil Def-SHSP-Equipment	\$1,139.00
--	------------

and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator is hereby directed to carry out said purchase expeditiously and complete all grant requirements in 2013; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 18 Nays: 0 Absent: 2 (Supervisors Bradt and Potter)

Resolution No. 257

Supervisors KEMPER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF DOOR ENTRY SECURITY SYSTEM
WITH 2013 HOMELAND SECURITY GRANT FUNDS
(CIVIL DEFENSE/FIRE COORDINATOR)

WHEREAS, Resolution 220 of 2013 accepted a 2013 Homeland Security Program grant, in a total amount of \$52,500.00 for the Civil Defense/Fire Coordinator Office; and

WHEREAS, the Civil Defense/Fire Coordinator requests that said grant funds be used to purchase a door entry security system for the Information Services Department and Civil Defense/Fire Coordinator's Department; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase certain equipment with 2013 Homeland Security Grant funds, in a not-to-exceed amount as follows:

(1) Door Entry Security System	\$12,306.00
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and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.001 Civil Def-SHSP	\$12,306.00
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Appropriation Account:

Increase A-385-3645.201 Civil Def-SHSP-Equipment	\$12,306.00
--	-------------

and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator is hereby directed to carry out said purchase expeditiously and complete all grant requirements in 2013; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 258

Supervisors KEMPER AND CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF CERTAIN SAFETY EQUIPMENT AND SUPPLIES WITH 2012 HAZARDOUS MATERIAL GRANT FUNDS (CIVIL DEFENSE/FIRE COORDINATOR)

WHEREAS, Resolution 348 of 2012 accepted a 2012 Hazardous Material Grant, in a total amount of \$34,000.00 for the Civil Defense/Fire Coordinator Office; and

WHEREAS, the Civil Defense/Fire Coordinator requests that said funds be used to purchase certain safety equipment and supplies; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase certain equipment with 2012 Hazardous Material Grant funds, in a not-to-exceed amount as follows:

(3) Haz-mat Plug & Dyke Kit	\$ 150.00
(1) Chlorine Tank Car Trailer Kit	2,650.00
(1) Haz-mat Chemical Classification Kit	1,495.00
(18) Nomex Protective Coveralls	1,170.00
(3) Infrared Thermometers	770.00
(30) Air Pack Calibration Inspections	<u>960.00</u>
	\$7,195.00

and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.001 Civil Def-SHSP	\$7,195.00
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Appropriation Account:

Increase A-385-3645.201 Civil Def-SHSP-Equipment	\$3,420.00
Increase A-385-3645.401 Civil Def-SHSP-Contractual	3,775.00

and, be it further

Resolution No. 258 (continued)

RESOLVED, That the Civil Defense/Fire Coordinator is hereby directed to carry out said purchase expeditiously and complete all grant requirements in 2013; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 259

Supervisors KEMPER AND CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING APPLICATION FOR 2013 FEMA HAZARDOUS
MATERIALS GRANT (CIVIL DEFENSE/FIRE COORDINATOR)**

WHEREAS, Fulton County has been notified that it has been allocated \$34,000.00 in grant funds from the 2013 Hazardous Materials Grant Program; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a grant agreement with the NYS Division of Homeland Security and Emergency Services for 2013 Hazardous Materials Grant funds, in a total amount of \$34,000.00, and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator prepare a plan for the use of said grant funds to remediate hazardous materials through a regional approach for presentation and approval by resolution of the Board of Supervisors; and, be it further

RESOLVED, That the Civil Defense Director/Fire Coordinator and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense Director, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 260

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

Social Services:

Chair (0003231) (Purchased 5/1/1992)

Sheriff's:

Emergitech Intermobile Software (0007943) (Purchased 2/7/2008)

Emergitech Livescan Software (0008398) (Purchased 12/17/2009)

Motorola Radio (0003205) (Purchased 8/1994)

Motorola Radio (0004169) (Purchased 6/1996)

Motorola Radio (0004170) (Purchased 6/1996)

Motorola Radio (0004814) (Purchased 3/1999)

Motorola Radio (0005332) (Purchased 9/2000)

Motorola Radio (0005895) (Purchased 11/2001)

Motorola Radio (0007043) (Purchased 1/2008)

Information Services:

Xerox Phaser 8560 (0008100) (Purchased 3/2/2009)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Solid Waste Director and Purchasing Agent be and hereby are directed to arrange for the disposal of the other listed surplus as scrap and/or refuse, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; and, be it further

Resolution No. 260 (continued)

RESOLVED, That the Sheriff is hereby directed to deliver the listed radio equipment to the Fulton County landfill for disposal/destruction for communication security reasons; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, Information Services Director, Sheriff, Commissioner of Social Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 261

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING FINAL SETTLEMENT IN MATTER OF “AWP PHARMACY LITIGATION VERSUS KING “

WHEREAS, Resolution 533 of 2004 authorized a legal services agreement with Kirby, McInerney & Squire to conduct a joint lawsuit coordinated with the NYS Association of Counties and other counties to recover Medicaid overcharges from pharmaceutical companies; and

WHEREAS, Kirby McInerney (KI) submitted an installment check for the County's net share of the King AWP settlements in the amount of \$257.49; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts final settlement in the matter of AWP Pharmacy Litigation versus King, in a total amount of \$257.49; and, be it further

RESOLVED, That in accordance with said legal services agreement, the Treasurer be and hereby is authorized to sign Form RF-17 for each Settlement to the State of New York requesting reimbursement for administration costs associated with these settlements; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 262

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING LOCAL LAW 3 OF 2013 AMENDING LOCAL LAW 2 OF 1956, ENTITLED "A LOCAL LAW ENUMERATING RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE FULTON COUNTY SELF-INSURANCE PLAN, AS AMENDED, TO REVISE THE PAYMENT METHOD FOR PARTICIPANTS"

WHEREAS, proposed Local Law 3 of 2013 Amending Local Law 2 of 1956, entitled "A LOCAL LAW ENUMERATING RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE FULTON COUNTY SELF-INSURANCE PLAN, AS AMENDED, TO REVISE THE PAYMENT METHOD FOR PARTICIPANTS" has laid upon the desks of the Board of Supervisors for the required period; and

WHEREAS, a public hearing was held on August 12, 2013, after due posting thereof and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law No. 3, hereinabove referenced, be and hereby is approved; and, be it further

RESOLVED, That the Clerk of the Board is directed to number said local law for appropriate recording and filing purposes; and, be it further

RESOLVED, That the Chairman of the Board of Supervisors and County Attorney be authorized and empowered to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, NYS Secretary of State, Fulton County Code Book, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

**LOCAL LAW “3” OF 2013 AMENDING LOCAL LAW 2 OF 1956,
ENTITLED “A LOCAL LAW ENUMERATING RULES AND REGULATIONS
FOR THE ADMINISTRATION OF THE FULTON COUNTY SELF-INSURANCE
PLAN, AS AMENDED, TO REVISE THE PAYMENT METHOD FOR PARTICIPANTS**

BE IT ENACTED BY THE FULTON COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

SECTION 1

Section 162-9. “Payments by participants”, of the Fulton County Code is hereby amended to delete existing language in its entirety and replace it with the following:

The amount due from each participating city, town, village and school district as its share of the annual estimate of the plan shall be paid to the County Treasurer within 30 days after the commencement of such participant’s fiscal year.

SECTION 2

This Local Law shall take effect immediately but shall first affect the 2014 Self-Insurance Plan Budget.

Resolution No. 263

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CERTAIN TRANSFERS

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-075-1185.411 Coroner-Autopsies	\$2,000.00
A-075-1185.417 Coroner-Fees	300.00
A-285-1990.400 Contingent Fund Expense	<u>300.00</u>
	\$2,600.00

To: A-075-1185.402 Coroner-Trans (Amb Exp) \$2,600.00

From: A-285-1990.400 Contingent Fund Expense

To: A-305-3110.200 Sheriff Dept-Equipment

Sum: \$1,000.00 (Surveillance Items)

From: A-365-3315.409 STOP DWI Prog-Ct Steno/Exp Witnesses

To: A-365-3315.425 STOP DWI Prog-Reimb. For DA Support Serv.

Sum: \$2,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Coroner, District Attorney, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 264

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION RENEWING PROPERTY AND LIABILITY INSURANCE FOR 2013-2014 FOR COUNTY DEPARTMENTS

WHEREAS, Fulton County holds certain property and liability insurance policies through the New York Municipal Insurance Reciprocal, a self-owned cooperative insurance pool; and

WHEREAS, the County holds other specialized liability and property insurance through private insurance carriers; and

WHEREAS, NYMIR has submitted a proposal for renewal of said policies that results in a total premium increase of approximately 1 percent for the 2013-2014 policy year; now, therefore be it

RESOLVED, That the insurance policies be renewed for 2013-2014 through Mang Agency, broker-of-record for the County, as follows:

<u>Policy</u>	<u>Renewal Premium</u>
Property	\$ 40,354.60
Boiler & Machinery	6,260.10
General Liability	51,229.20
Auto	51,359.00
Excess Catastrophe Liability	9,964.90
Inland Marine	22,528.00
Bond/Crime	5,887.00
Law Enforcement Liability	74,682.30
Public Officials Liability	28,570.30
Healthcare Prof. Liability (Nurses/Clinics)	17,160.66
Healthcare General Liability	1,029.34
Airport Liability	4,850.00
Motor Vehicle Fee	1,030.00
Fire Fee	179.95
OCP Liability	<u>550.00</u>
EST. ANNUAL PREMIUM	\$315,635.35

and, be it further

Resolution No. 264

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Department Heads, Mang Agency, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

Resolution No. 265

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION APPORTIONING 2014 WORKERS' COMPENSATION INSURANCE
PROGRAM EXPENSES**

RESOLVED, That the Report of the Committee on Workers' Compensation Insurance (Finance), dated August 12, 2013, be accepted and the recommendations contained therein be carried out for the year 2014; and, be it further

RESOLVED, That the respective amounts apportioned to the various municipalities or public corporations of Fulton County be adopted as the act and determination of the Board and that they be assessed, levied and collected the same as other charges; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Committee on Workers' Compensation Insurance, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Bradt)

BY: Mr. John Callery, Chairman of the Finance Committee					
THE REPORT OF THE COMMITTEE ON COMPENSATION INSURANCE					
Your Committee on Compensation Insurance (Finance and Administration) to whom was referred the report of the County Treasurer on Claims paid pursuant to Article 5 of the Workers' Compensation Law, report that they have examined same and believe same to be correct and recommend that said report be printed in the minutes.					
Your Committee further reports that pursuant to said Law, they do hereby certify that the County Treasurer, as Custodian of Compensation Insurance Funds, estimates expenditures in the sum of \$1,349,193.00 (less revenues of \$281,855.00), which they have apportioned to each Town, the Villages of Broadalbin, Mayfield, Northville and Cities of Johnstown and Gloversville, and the County of Fulton 35% of the proportion that its full valuation bears to the aggregate valuation of the participating municipal corporation and 65% of a five-year experience, in accordance with said law, and an additional assessment to those municipalities having volunteer ambulance corps at an amount of \$400 per ambulance:					
	2014		(2008-2012)	35%	65%
	<u>Total Apport.</u>	<u>Full Valuation</u>	<u>5-Yr. Exp.</u>	<u>Full Valuation</u>	<u>5-Yr. Exp.</u>
Bleecker	5,676.01	101,046,256.00	253.97	5,637.40	38.61
Broadalbin	41,482.65	371,151,080.00	136,646.75	20,706.62	20,776.03
Broadalbin (V)	3,649.69	63,422,785.73	732.20	3,538.37	111.32
Caroga	17,583.23	276,557,838.32	14,167.10	15,429.24	2,153.99
Ephratah	7,484.38	75,992,986.90	21,340.91	4,239.67	3,244.71
Johnstown	49,045.84	404,031,653.85	174,325.69	22,541.04	26,504.80
Mayfield	27,039.17	459,723,277.03	9,149.30	25,648.09	1,391.08
Mayfield (V)	2,698.34	40,475,824.32	2,895.14	2,258.16	440.18
Northampton	20,975.66	373,471,659.70	917.94	20,836.09	139.57
	400.00*				
Northville (V)	4,910.34	87,357,991.04	240.81	4,873.73	36.61
Oppenheim	9,831.09	97,878,864.65	28,744.73	5,460.69	4,370.40
Perth	18,548.26	211,756,712.07	44,292.33	11,813.97	6,734.29
Stratford	5,598.77	100,002,583.33	128.91	5,579.17	19.60
Gloversville (C)	175,527.83	374,977,694.00	1,016,876.02	20,920.11	154,607.72
Johnstown (C)	110,761.84	405,750,522.86	579,609.51	22,636.93	88,124.91
	1200.00*				
Fulton County (Gen. Fund)	<u>566,524.90</u>	<u>3,252,341,128.71</u>	<u>2,532,696.53</u>	<u>181,449.02</u>	<u>385,075.88</u>
TOTAL APPROP.	\$1,067,338.00	\$6,695,938,858.51	\$4,563,017.84	\$373,568.30	\$693,769.70
	<u>1,600.00*</u>			\	/
	\$1,068,938.00	.000055790279	.152041855703	\	\$1,067,338.01 /
*Volunteer Ambulance Corps Assessment					
Respectfully submitted this 12th day of August, 2013:					